

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff

v.

Marco Antonio Caballero-Perez,

Defendant

2:13-cr-00085-JAD-PAL

**Order Denying Motions for
Reconsideration, Appointment of
Counsel, and Evidentiary Hearing**

[ECF Nos. 163, 164, 165]

Marco Antonio Caballero-Perez moves for reconsideration of my amended order denying his motion to vacate his sentence under 28 U.S.C. § 2255,¹ an evidentiary hearing,² and for counsel to be appointed to represent him at the evidentiary hearing.³ The government opposes Caballero-Perez's motions, arguing that he has failed to identify any factual or legal error in my order denying his 2255 motion.⁴ I agree.

Motions for reconsideration are not expressly authorized in the Federal Rules of Civil Procedure, but district courts may grant them under Rule 59(e).⁵ Reconsideration is only warranted when: (1) the movant presents newly discovered evidence, (2) the district court committed clear error or the initial ruling was manifestly unjust, or (3) there is an intervening change in controlling law.⁶ Although reconsideration may also be warranted under other highly unusual circumstances, it is well recognized as an "extraordinary remedy, to be used sparingly in the interests of finality and

¹ ECF No. 163.

² ECF No. 165.

³ ECF No. 164.

⁴ ECF No. 166.

⁵ *See Sch. Dist. No. 1J, Multnomah Cnty. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

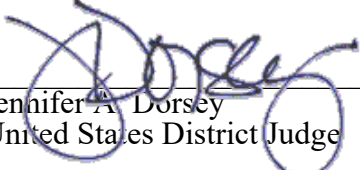
⁶ *Id.* (internal citations omitted).

1 conservation of judicial resources.”⁷

2 I find no new evidence, clear error or manifest injustice, or intervening change in law that
3 would warrant reconsideration of the order that Caballero-Perez now challenges.

4 Accordingly, IT IS HEREBY ORDERED that Caballero-Perez’s motion for reconsideration
5 **[ECF No. 163] is DENIED**, and his motions for an evidentiary hearing **[ECF No. 165]** and for
6 appointment of counsel to represent him at the evidentiary hearing **[ECF No. 164]** are denied as
7 moot.

8 Dated July 20, 2017

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Jennifer A. Dorsey
United States District Judge

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⁷ *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2007) (internal quotations omitted).